



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of

ALFRED M. WEBER ET AL.

Serial No. 08/675,280 (TI-19646.1)

Filed July 1, 1996

For: CONSTRUCTION OF PHASE CHANGE MATERIAL EMBEDDED
ELECTRONIC CIRCUIT BOARDS AND ELECTRONIC CIRCUIT
BOARD ASSEMBLIES USING POROUS AND FIBROUS MEDIA

Art Unit 3407

Examiner C. Atkinson

Assistant Commissioner for Patents
Washington, D. C. 20231

Sir:

REPLY BRIEF

In reply to the Examiner's Answer, the Examiner attempts to justify the combination of Lebailly et al. and Kuzay in the section labelled (13) commencing on page 6 of the Examiner's Answer. This attempt is without merit.

As explained in the Brief on Appeal, the invention claims the combination of a matrix containing fibers wherein the fibers also extend from the matrix into a phase change material, all within an enclosure. By extending the fibers into the phase change material as well as into the matrix, there is an added heat sinking action provided by the matrix. Nowhere is such a combination taught or suggested by Lebailly et al., Kuzay or any proper combination of these references. Clearly, there is no teaching or suggestion to

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combine Lebailly et al. and Kuzay in the manner suggested by the Examiner without prior reference to the subject disclosure. Accordingly, the arguments presented in the Brief on Appeal have not been refuted and are maintained.

The Examiner's Answer alleges that the words "single matrix" in the argument relates to subject matter not disclosed. While this is a non-issue since no claim specifically uses this terminology, it is clear that the terms "a matrix" in the paragraph bridging pages 4 and 5 of the specification, the paragraph bridging pages 7 and 8 of the specification, claims 13 to 16 as originally filed and the Abstract refers to a single entity. Furthermore, only one matrix is shown in the drawings. However, it is again noted that thermally conductive fibers which form a part of the matrix also extend from the matrix into the cavity containing the phase change material, a feature nowhere taught or even remotely suggested by any of the cited references.

The paragraph bridging pages 6 and 7 of the Examiner's Answer is misdirected. The reason for discussion of the improved method of fabrication resulting from the invention is to show an economic advantage to the invention which is an improvement over the prior art. This feature is not claimed as such, but is an outgrowth of the invention and should be considered in this context when evaluating the merits of the subject invention.

The Examiner's Answer further sets up its own straw man and then tries to knock it down rather than discussing the true issues. The issue is not whether or not Lebailly et al. discloses fibers

since this is not the invention. The invention is discussed above and is not taught or suggested by Lebailly et al. or any proper combination of Lebailly et al. with Kuzay.

The Examiner's Answer is correct in the second full paragraph on page 7. The term meant to be used was "graphite" rather than --granite-- and "graphite" should therefore be substituted into the argument where --granite-- was previously used.

For the reasons set forth above as well as in the Brief on Appeal, reversal of the final rejection is urged that justice be done in the premises.

Respectfully submitted,



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